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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/614,003	07/08/2003	Richard Phillip Wilson		6271

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Richard Wilson
3605 SHERBOURNE LN.
Greensboro, NC 27407

EXAMINER

GORTAYO, DANGELINO N

ART UNIT	PAPER NUMBER
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2168

MAIL DATE	DELIVERY MODE
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07/06/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/614,003	Applicant(s) WILSON ET AL.	
	Examiner Dangelino N. Gortayo	Art Unit 2168	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 April 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 16 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 April 2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. In the amendment filed on 4/17/2007, claim 16 has been amended. As indicated in the previous office action, claim 6 is considered a separate invention and is subject to Election/Restriction, which the applicant agreed to. Therefore, claim 6 is cancelled.
2. Applicant is reminded of the proper format to amend claims. A previously cancelled claim must be indicated as "(cancelled)" and all limitations in the claim deleted. The amendment to claim 6 is in error. Any additional limitations inserted to the claims must be underlined to indicate amendment additions, not placed in parenthesis and prefaced with "replaced with" as per the claim amendments. For purposes of examination, claim 16 is read as per page 3 of the applicant's brief. The currently pending claim considered below is Claim 16.

Abstract

3. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

Claim Objections

4. Claim amendments are objected to because of the following informalities: The claim 6 should be clearly marked as being cancelled, as per the Election from the previous Office Action. Claim 6 is not considered in this Office Action. Appropriate correction is required.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:
- The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
6. Claim 16 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 16 recites the limitation "the search result" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim 16 recites the limitation "the location" in line 3. There is insufficient antecedent basis for this limitation in the claim.

Claim 16 recites the limitation "the person" in line 3. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claim 16 is rejected under 35 U.S.C. 103(a) as being anticipated by Frank et al. (US Patent 7,117,199 B2) in view of Snow et al. (US Publication 2002/0147790 A1)

As per claim 16, Frank teaches "A method for searching for websites wherein the following criteria are used to filter the search results:" (see Abstract and column 5 line 59 – column 6 line 9)

"(a) the location of the person performing the search" (column 12 lines 11-25 and column 27 line 17-34, wherein a user can store initial location via filters or user profiles to be used in a search)

"(b) search area requested by person performing the search wherein said search area refers to the said person's area of interest wherein said search area contains all or some of the following information: country, "state" or local area information." (column 8 lines 8-18 and column 11 lines 11-40, wherein a filter for query includes spatial criteria based on location)

Frank does not teach "wherein the location of the said person is automatically determined".

Snow teaches "wherein the location of the said person is automatically determined" (column Figure 1 reference 22, 24, paragraphs 20, 21, wherein the current location of a user can be traced automatically via several different methods, including analyzing IP addresses and GPS).

It would have been obvious for one of ordinary skill in the art at the time of the invention to combine Frank's method of performing searches based on location and spatial data with Snow's method of automatically determining the location of a user in a system to be able to lessen the steps performed in Frank's method of searching by automatically determining location. This gives the user the advantage of a less complicated method of performing location-based searches. The motivation for doing so would be to provide more specific content to a user based on location (paragraph 006).

Response to Arguments

9. Applicant's amendment, see page 5, filed 4/17/2007, with respect to the Abstract, have been fully considered and are not persuasive. The abstract is not in narrative form and appears to be written in a first person point of view. The objection to the abstract stands.

10. Applicant's amendment, see page 1, filed 4/17/2007, with respect to the Title in the specification have been fully considered and are persuasive. The objection to the Title in the specification is withdrawn

11. Applicant's amendment, see page 7, filed 4/17/2007, with respect to the Drawings have been fully considered and are persuasive. The objection to the Drawings is withdrawn.

12. Applicant's amendment, see page 3, filed 4/17/2007, with respect to the claim objections regarding the word "search engines" have been fully considered and are persuasive. The objection to the word "search engine in the claims" is withdrawn.

13. Applicant's amendments, see page 3, filed 4/17/2007, with respect to the 35 USC 101 rejection of claim 16 has been fully considered and are not persuasive. The amendments to the claim fail to overcome the 35 USC 101 rejection, and no arguments are put forth. The 35 USC 101 rejection is maintained.

14. Applicant's amendments, see page 3, filed 4/17/2007, with respect to the 35 USC 112, 2nd paragraph rejection of claim 16 has been fully considered and are not persuasive. The amendments to the claim causes several other instances where a 35 USC 112, 2nd paragraph rejection is necessary. The 35 USC 112, second paragraph rejection is maintained.

15. Applicant's amendments, see page 3, filed 4/17/2007, with respect to the 35 USC 112, 2nd paragraph rejection of claim 16 has been fully considered and are not persuasive. The amendments to the claim causes several other instances where a 35 USC 112, 2nd paragraph rejection is necessary. The 35 USC 112, second paragraph rejection is maintained.

16. Applicant's amendments, see page 3, with respect to the 35 USC 102 rejection of claim 16, have been considered but are moot in view of the new ground(s) of rejection. Particularly, the limitation "the limitation of the said person is automatically determined" changes the scope of the invention and necessitates new grounds of rejection. Since no argument is put forth regarding the prior art of Frank, the prior art is valid for all previously disclosed limitations of the claims. The amendments to the independent claim necessitated new grounds of rejection.

17. Applicant should submit an argument under the heading "Remarks" pointing out disagreements with the examiner's contentions. Applicant must also discuss the references applied against the claims, explaining how the claims avoid the references or distinguish from them.

Conclusion

18. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Glorikian (US Patent 6,772,213 B2)

Creemer (US Patent 6,795,710 B1)

Blumberg et al. (US Patent 7,072,665 B1)

19. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

20. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dangelino N. Gortayo whose telephone number is (571)272-7204. The examiner can normally be reached on M-F 7:30-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tim T. Vo can be reached on (571)272-3642. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Dangelino N. Gortayo
Examiner

Tim T. Vo
SPE



TIM VO
SUPERVISORY PATENT EXAMINER
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